

Utah Division of Oil, Gas & Mining 2012 Legislative Session

| Bill # | Bill Title | Bill Sponsor | Purpose of Bill | Status/Actions |
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ENERGY/MINERAL BILLS

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| HB 48 | Coalition of Energy Producing States | Rep. Barrus | Extends the legislative Coalition formed in 2011 Session by one year to June 2013. | 2/10 Senate amend/ approve 2/13 House concurred. 3/16 Enrolling |
| HB 74-S1 | Eminent Domain Amends | Rep. Noel | Subsequent to 2011 Utah Supreme Court case: permits an eminent domain action for roads necessary for oil & gas. Adds negotiation and notice requirements before eminent domain action filed. | 2/16 House approved 3/2 Senate approved 3/16 Enrolling |
| *HB 102 | Blasting Regulations | Rep. Edwards | Grants rulemaking authority to Board of OGM for regulation of explosives used by a mineral mining operator within .5 mile of a residential structure. Would create UCA 40-8-24. | 2/14 House Comm fail 1-7. 2/28 House Comm: to Rules 3/9 Bill Died |
| | *Directly applies to Title 40 | | | |
| *HB 131 | Liens for Preconstruction Service & Construction Work | Rep. Morley | Modification of Lien Code in Title 38, and includes edit of 40-6-8 regarding Oil & Gas unit operator liens. | 2/17 House approved 3/2 Senate approved 3/16 Enrolling |
| HB 137 | Energy Changes | Rep. Barrus | Modification of Office of Energy Development provisions. | 2/21 House approved 3/2 Senate approved 3/16 Enrolling |
| HB 210-S1 | Severance Tax Amendments | Rep. Nielson | Transfers 100% of severance taxes to a permanent state trust fund versus the General Fund, after the existing distributions to the Uintah Basin and Navajo Revitalization Funds. Five year phase in. | 1/25 House Comm approve 2/6 House vote failed 36-39 3/9 Bill Died |
| HB 482 | Severance Tax Funding for Certain Programs | Rep. Ivory | Utilizes oil and gas severance tax monies to fund the Constitutional Defense Restricted Account. | 3/5 House approved 3/9 Bill Died |
| HJR 3 | Joint Resolution on Federal Transfer of Public Lands | Rep. Barrus | Demands that the federal govt transfer title of the public lands within Utah's borders directly to the state of Utah, although cede national parks and wilderness lands to fed govt. Also HB148 is related bill. | 3/5 House approved 3/7 Senate approved 3/16 Enrolling |

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| HJR 6-S3 | Joint Resolution on Severance Tax | Rep. Nielson | Was companion to HB210. Proposes to amend the Utah Constit. for severance tax revenue to be put into permanent state trust fund; submits to the voters. Sub #3: Begins July 1, 2016; 25% of first \$50Mil, 50% of next \$50Mil, 75% for > \$100Mil. to trust fund. | 2/22 House amend/approved 3/5 Senate amend/approved 3/6 House concurs 3/16 Enrolling |
| SB 57 | Issuance of Blasting Permits | Sen. Okerlund | Directs the State Fire Marshall Division to issue blasting permits when a local fire department does not have procedures for issuing such, or the project involves more than one fire department. | 2/16 Senate approved 2/24 House approved 3/15 Gov. Signed |
| SB 65-S3 | Alternative Energy Dev. Tax Incentives | Sen. Adams | Repeals Alternative Energy Dev Act and enacts Alternative Energy Tax Credit Act. Alternative energy to include coal-to-liquids, oil sands, oil shale, geothermal, etc. Office of Energy Development to set requirements for tax credits. | 2/29 Senate approved 3/8 House amend/approved 3/8 Senate concurs 3/16 Enrolling |
| * SB 77 | Surface Owner Protection Act | Sen. Van Tassell | Addresses O&G split estate concerns for fee surface over fee mineral. Requires rules for certain unreasonable losses of surface land owner, including bond. Provides for non-binding mediation. | 3/5 Senate approved 26-0 3/7 House approved 72-0 3/16 Enrolling |
| | *Directly applies to Title 40 | | | |
| SB 83 | Uintah Basin Energy Zones | Sen. Van Tassell | Modifies UCA 63J-8, Utah Resource Mgmt Plan for Fed Lands, by creating the Uintah Basin Energy Zone. Promotes full, responsible development and promotes local, state and federal collaboration. Includes Daggett County. | 2/23 Senate approved 3/2 House approved/amend 3/1 Senate concurs 3/16 Enrolling |
| SB 94 | Electric Power Facilities Amendments | Sen. Bramble | Allows electric generating facilities an exemption of PSC certificate of public convenience and necessity, if pursuing "replacement project capacity." Relates to IPA future and transition to natural gas. | 2/24 Senate approved 3/6 House approved 3/16 Enrolling |
| SB 239 | Severance Tax Revisions | Sen. Bramble | Amends distribution of severance tax revenues by increasing revenue into permanent state trust fund by \$8.5 million/year; 10 yr. | 3/1 Senate Comm to Rules 3/9 Bill Died |
| SCR 8-S2 | Supporting New Technology and Facilities that Enhance Prod/Value Uintah BlackWax | Sen. Van Tassell | Expresses support for new technologies and facilities that allow for and enhance the production and value of Uintah Black Wax for shipping at lower temperatures, including by truck and pipeline | 2/23 Senate approved 3/1 House approved 3/15 Gov. Signed |

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| SCR 12 | Urging Congress to Delegate Responsibility for Regulating Hydraulic Fracturing to States | Rep. Van Tassell | Urges Congress to clearly delegate responsibility for the regulation of hydraulic fracturing to the states. | 3/5 Senate approved 27/1 3/8 House approved 60/13 3/16 Enrolling |
| ADMINISTRATIVE BILLS | | | | |
| HB 2 | New FY Supplemental Appropriations Act | Rep. Brown | Provides changes for FY13, in addition to base budget in HB 5. Includes DOGM net increase of \$118,200 for DTS and DAS Internal Service Fund costs. Also includes fees approved for FY13. | 3/8 Senate amend/approved 3/8 House concurs 3/16 Enrolling |
| HB 3 | Appropriations Adjustments | Rep. Brown | Provides funds for legislative bills with fiscal impact, and provides final adjustments to budgetary funds. (DOGM = \$0) | 3/8 Senate amend/approved 3/8 House concurs 3/16 Enrolling |
| HB 5 | NR, Ag, DEQ Base Budget | Rep. Mathis | Establishes funding of a base budget for 7/2012 to 6/2013. | 1/31 House approved 2/1 Senate approved. 2/13 Gov. Signed |
| HB 9-S1 | State & Higher Education Compensation Adjustments | Rep. Brown | FY13 compensation: state employee 1% retirement cost increase and other benefit cost changes, and 1% salary. (DOGM: \$157,600). | 3/8 Senate amend/approved 3/8 House concurs 3/16 Enrolling |
| HB 19-S1 | State Issued Identification Numbers | Rep. Harper | Proposed phasing out by government use of a nine digit identification number to identify an individual unless required by federal law; prohibits use of SSN. | 2/8 House approved 2/17 Senate approved 3/16 Enrolling |
| HB 28 | Economic Development Task Force | Rep. Wilson | Creates a 16 member Task Force to recommend how economic production can be increased in Utah, including reduction of regulatory barriers, increase exports, etc. Study how air quality affects economic dev. Reports required in Nov 2012 and Nov 2013. | 1/27 House approved 3/8 Senate amend/approved 3/8 House concurs 3/16 Enrolling |
| HB 64-S1 | Amendments to Public Employee Health Care | Rep. Doughty | Defines dependent eligible coverage under PEHP for purposes of an unmarried employee's adult designee | 3/1 House Comm tabled 3/9 Bill Died |

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| HB 80-S1 | Reorganization of Admin. Support Functions in State Agencies | Rep. Harper | Requires DAS study of administrative support functions for departments with < \$30 million of General Fund (DNR = \$36 Mil). Also, DHRM to provide payroll services to all state entities by 9/2012; DNR exempted on 2/7, but requires Interim report by Oct. | 2/21 House approved. 3/5 Senate amend/approved 3/6 House concurs 3/16 Enrolling |
| HB 111 | Amendments to Open & Public Meetings Act | Rep. Frank | Amends public body definition to include 2 or more members to discuss an issue assigned by the body or presiding officer | 3/1 House Amend to Rules 3/9 Bill Died |
| HB 120-S2 | Information Technology Cost-Savings Incentive | Rep. Perry | Allows state agency to acquire information technology and related equipment without going through the Dept of Technology Services, and creates a financial incentive in next FY if results in cost savings | 2/28 Hse Comm failed 4-5. 3/9 Bill Died |
| HB 136 | Budget Reserve Account for Federal Funds | Rep. Ivory | Creates a restricted fund from 10% sales tax growth in case federal funds are reduced. Federal funds definition only applies to federal assistance programs, so may be N/A to OGM. Monitor. | 3/1 House Comm to Rules 3/9 Bill Died |
| HB 196-S1 | Abusive Workplace Policies | Rep. Sandstrom | Requires policy prohibiting abusive conduct in public body workplace. Abusive conduct includes repeated verbal abuse, etc. | 3/1 House Comm to Rules 3/9 Bill Died |
| HB 226 | Closed Meeting Amends | Rep. Powell | Authorizes a public body to close a meeting to discuss legislative action by the public body if conducting the discussion in a closed meeting is preferable to conducting the discussion in open meeting | 1/30 Public distribution. 3/9 Bill Died |
| HB 251-S1 | Utah State Personnel Mgmt Act Amendments | Rep. Daw | Clarifies DHRM to develop manager and supervisor training, subject to available funding. Incentive award has added requirements into statute. | 1/25 House approved 2/10 Senate approved 3/16 Enrolling |
| HB 256-S3 | Retirement Modifications | Rep. Ipson | Annual bill which edits the URS Code. Clarifies post-retirement employment provisions; reduces period to claim L-T disability from 12 months to 6 months. | 2/22 Senate subst approved 2/28 House concurs 3/16 Enrolling |
| HB 310 | State & Political Subdivision Employment Amendments | Rep. McCay | Prohibits considering seniority as the sole factor when determining whether to terminate an employee during a Reduction In Force. | 3/1 House Comm to Rules 3/9 Bill Died |

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| HB 337 | Open Government Amends | Rep. Dougall | Creates Public Records Website. Requires govt. agencies to post info to new Div. of Archives website, e.g. records circulated at public meetings, minutes, statutorily required reports, digital audio. | 3/2 House approved 3/9 Bill Died |
| HB 350-S3 | Payroll Deduction Amends | Rep. Daw | Modifies a provision relating to employer deductions from employee wages, for union dues and professional membership dues. | 3/1 House approved. 3/9 Bill Died |
| HB 437-S1 | Public Employees Health Care Benefits | Rep. Daw | Requires PEHP to offer training on HSA coverage, clarifies health insurance to employees is not a continuing obligation, sets July and Jan. for employer HSA contributions. | 3/2 House approved 3/8 Senate approved 3/16 Enrolling |
| HJR 21 | Resolution on State Health Insurance | Rep. Dee | Changes dental premiums to 90/10 employer/employee from 95/5. Health premiums remain at 90/10, but health coinsurance reduced to 80/20. Directs PEHP to create a second High Ded. Health Plan with 70/30 coinsurance vs current 80/20. Directs PEHP to develop program with different premiums on basis of health outcomes. | 3/5 House approved 3/8 Senate approved 3/16 Enrolling |
| SB 3 | Current Fiscal Year Supplemental Appropriations | Sen. Hillyard | Increases or decreases funds for FY12 (no change for DOGM). Also includes intent language to not lapse certain agency appropriations at the close of FY12 (DOGM may non-lapse up to \$400K). | 3/6 House amend/approved 3/6 Senate concurs 3/16 Enrolling |
| SB 153-S2 | Procurement Amendments | Sen. Niederhauser | Creates penalties for not adhering to purchasing code. Requires more benefit analysis to allow low bid to not be awarded a contract; more training and reporting; multi-year contract clarification. 329 page bill | 3/7 House amend/approved 3/8 Senate concurs 3/16 Enrolling |
| SB 166 | Statutory Construction – Computation of Time | Sen. Valentine | Clarifies that a due date in Utah statute does not include a holiday, Saturday, or Sunday. | 2/16 Senate approved 2/24 House approved 3/16 Enrolling |
| SB 177-S1 | GRAMA Amendments | Sen. Bramble | Requires annual training by Jan. 2013 of agency record officers, creates position of records ombudsman, modifies some protected records standards. | 2/24 Senate approved 3/8 House approved 3/16 Enrolling |

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| SB 203 | Audit Process Amends | Sen. Reid | If a state agency does not implement audit recommendations, the Legislative Auditor or State Auditor to report to Legislative Management Committee. | 2/28 Senate approved 3/7 House approved 3/16 Gov. Signed |
| SJR 3 | Master Study Resolution | Sen. Jenkins | Identifies topics for Interim study, including geothermal vs mineral rights, CO2 emission inventory, impact of transition from coal-fired power, increase of O&G severance tax and add a coal severance tax, fines and forfeitures, retirement, state phone system, PEHP. | 3/8 Senate approved 3/8 House amend/approved 3/8 Senate concurs 3/16 Enrolling |
| SJR 22-S1 | Joint Resolution on State Spending Limitations | Sen. Reid | Proposes to amend the Utah Constitution to limit legislative appropriations to actual of any 1 of the prior 5 years + inflation and population change, unless 60% approval by both Houses. Requires state surplus revenues used for specific purposes or refunded. | 2/23 Senate Subst. approved 3/9 Bill Died |
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| SB 11 | DEQ Boards Adjudicative Proceedings | Sen. Dayton | Streamlines the appeal process from a full trial to an administrative records review. Amends provisions on intervention /stay. | 1/25 Senate approved 2/1 House approved 3/16 Enrolling |
| SB 21-S1 | DEQ Boards Revisions | Sen. Dayton | Reduces Boards to 9 members and modifies qualifications. Some powers transferred from Board to Exec. Director or Div. Director. 2/8 amendment changes Ex. Dir to non-voting unless to break a tie. | 2/22 House amend, approved 2/22 Senate concurs. 3/16 Enrolling |
| HB 183 | Call System Pipeline Breaks | Rep. King | | 2/4 Box Car, Bill Died. |
| HB 436 | Zero Based Budgeting –State | Rep. Frank | | 2/4 Box Car, Bill Died. |
| HB 460 | Post-Employee Ret. Benefits | Rep. Eliason | | 2/4 Box Car, Bill Died. |
| SB 228 | Phone Req. for State Employ. | Sen. Weiler | | 2/4 Box Car, Bill Died. |
| SB 254 | Severance Tax Cd Revisions | Sen. Romero | | 2/4 Box Car, Bill Died. |
| SB 265 | Allowance Elig. for Retirement | Sen. Weiler | | 2/4 Box Car, Bill Died. |